



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,119	07/27/2001	Moon-Young Kim	12777.10US01	2231

7590 10/30/2007
Hamre, Schumann, Mueller & Larson, P.C.
Post Office Box 2902-0902
Minneapolis, MN 55402

EXAMINER

SALTARELLI, DOMINIC D

ART UNIT	PAPER NUMBER
----------	--------------

2623

MAIL DATE	DELIVERY MODE
-----------	---------------

10/30/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/917,119

Applicant(s)

KIM, MOON-YOUNG

Examiner

Dominic D. Saltarelli

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 5-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 5-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed August 27, 2007 have been fully considered but they are not persuasive.

Applicant argues that Hendricks does not disclose transmitting a processed application along with the program to which the processed application is relevant (applicant's remarks, page 4).

In response, as described below to address this amended limitation, the processed application, as it applies to the claims, are the collection of advertisements that are associated with programming, and are thus transmitted along with the program so that viewers watching the programming will be presented with commercials in a conventional manner (see Hendricks, col. 17, lines 49-67).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, and 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Hendricks et al. (5,600,573) [Hendricks].

Regarding claim 1, Hendricks discloses, in a digital broadcasting environment (col. 5, lines 45-61), a method of managing contents data for digital broadcasting (wherein the contents data are 'programs', defined as a collection of advertisements, menus, and audio-visual programming, col. 21, lines 38-54), comprising:

a) collecting the contents data for digital broadcasting in the form of an application (col. 7, lines 5-25 and col. 7 line 46 – col. 8 line 2);

b) designing an application definition file (ADF) depending on characteristics of respective contents contain in the application (the characteristics are received by the CAP, col. 16, lines 29-37, and used to generate the instructions for packaging programming, col. 17, lines 6-18, such as a television program and the advertisements associated with it, col. 17, lines 49-67);

c) inputting the designed application definition file (ADF) and the application into a server (the instructions compiled by the CAP are sent to the output server, col. 13, lines 18-33); and

d) when transmission of the application together with a program is required (transmission of a program along with associated advertisements), processing the application by the server referring to the application definition file (after the instructions compiled by the CAP are sent to the output server, col. 13, lines 18-33, the output server processes outgoing content according to the instructions, col. 15, lines 31-46; col. 18, lines 39-58; and col. 24, lines 43-64),

followed by transmitting the processed application together with the program to which the application is relevant (advertisement insertion, col. 17, lines 49-67) to multiple broadcasting receivers connected to the digital broadcasting environment (col. 8, lines 55-65), in which the processing of the application is carried out on the server's own broadcasting schedule and is not triggered by a request from one of the broadcasting receivers (col. 19, lines 9-35).

Regarding claim 2, Hendricks discloses the method of claim 1, wherein the step a) comprises the sub-steps of:

1) defining a transmission standard of the application (as different standards are used for different transmission means, col. 22, lines 28-44);

2) defining a name of the application (an inherent step, as the system is a automated network of computers, and would require a naming scheme to differentiate between programs in order to processes them accordingly);

3) defining an executing environment of the application (different types of receivers defines different types of executing environments, such as headends with satellite feeds, file server headends, and video dialtone based systems, col. 22, lines 28-44);

4) defining an encoding way of the application (MPEG or ATM, col. 15, lines 31-46);

5) defining a method to transmit the application (col. 22, lines 28-44); and

6) defining the application's own information (col. 17, lines 6-18).

Regarding claim 5, Hendricks discloses the method of claim 1, wherein in the step c), the ADF is inputted by correcting the ADF when the added contents is made in case of adding new contents to the application stored in the server (a packager makes changes at any time, col. 19, lines 21-23, and this is including when new content is added that affects the program lineup, col. 16, lines 15-37).

Regarding claim 6, Hendricks discloses the method of claim 5, wherein in the step c) the ADF is inputted to the server automatically by using a transmission protocol (col. 14, lines 9-14).

Regarding claim 7, Hendricks discloses the method of claim 1, wherein the step d) comprises the sub-steps of:

1) loading the ADF from the server at starting time when the application in the server is transmitted together with the program in request of a main controller section that manages a broadcasting schedule of whole programs (col. 11, lines 1-18);

2) giving an information of a command for encoding the application based on the loaded ADF (col. 13, lines 39-41); and

3) commanding to generate a system information necessary to which the application is broadcasted (such as formatting information, col. 13, lines 42-65).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D. Saltarelli whose telephone number is (571) 272-7302. The examiner can normally be reached on Monday - Friday 9:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DS


ANDREW Y. KOENIG
PRIMARY PATENT EXAMINER